

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

SCOOTER LYNN ROBINSON

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:15CV263-TSL-RHW

WARDEN NORRIS HOGANS et al

DEFENDANTS

PROPOSED FINDINGS OF FACT AND RECOMMENDATION

Plaintiff Scooter Lynn Robinson, proceeding *pro se* and *in forma pauperis*, filed on April 9, 2015, a 42 U.S.C. § 1983 prisoner civil rights complaint. Among the many individuals named in his complaint, he identified Ms. Rutledge, Kitchen Supervisor, as a Defendant. The Court directed that summons be issued and served on Defendant Rutledge. Doc. [49]. On March 24, 2016, the United States Marshal Service returned the summons unexecuted with the notation that Defendant Rutledge was “no longer employed”. Doc. [62]. On March 28, 2016, the Court entered an order advising Plaintiff that it was his responsibility to provide a current address for Defendant Rutledge. The Court imposed a deadline of April 25, 2016, for Plaintiff to file a written response providing a current address for Rutledge or to state that he wishes to dismiss voluntarily Defendant Rutledge. Doc. [63]. Plaintiff did not file a response to the Court’s order. Accordingly, the undersigned finds that Plaintiff’s claims against Defendant Rutledge should be dismissed without prejudice for failure to prosecute.

RECOMMENDATION

The undersigned recommends that Plaintiff’s claims against Defendant Unknown Rutledge be dismissed without prejudice for failure to prosecute.

NOTICE OF RIGHT TO APPEAL/OBJECT

Pursuant to 28 U.S.C. § 636(b)(1), any party who desires to object to this report must

serve and file written objections within fourteen (14) days after being served with a copy unless the time period is modified by the District Court. A party filing objections must specifically identify those findings, conclusions and recommendations to which objections are being made; the District Court need not consider frivolous, conclusive or general objections. Such party shall file the objections with the Clerk of the Court and serve the objections on the District Judge and on all other parties. A party's failure to file such objections to the proposed findings, conclusions and recommendation contained in this report shall bar that party from a de novo determination by the District Court. Additionally, a party's failure to file written objections to the proposed findings, conclusions, and recommendation contained in this report within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed **factual findings and legal conclusions** that have been accepted by the district court and for which there is no written objection. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

SO ORDERED, this the 8th day of December, 2016.

/s/ Robert H. Walker
ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE